

WELTMAN, WEINBERG & REIS CO., LPA

By: Cameron Deane, Esq. (Atty.

I.D.# 36334-2021)

170 S. Independence Mall West, Suite 874W

Philadelphia, PA 19106

267-940-1643

WWR# 041057307

**Attorneys for Movant: Volvo Car Financial
Services, LLC**

Case No.: 22-16159-CMG

IN re:

Chapter: 11

ASSUNCAO BROS., INC.

Debtor

Judge: Christine M. Gravelle

**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR RELIEF FROM
AUTOMATIC STAY PURSUANT TO 11. U.S.C. §362**

The undersigned, attorney for Movant, Volvo Car Financial Services, LLC, does hereby certify:

1. I am an attorney at law of the State of New Jersey and an associate with the law firm of Weltman, Weinberg, & Reis, Co., L.P.A.
2. Movant is Volvo Car Financial Services, LLC.
3. Movant is a creditor in the instant bankruptcy case and the assignee of lessor, Smythe Volvo Cars, who did lease one (1) 2020 Volvo XC60 bearing VIN # YV4102RLXL1496160 (hereinafter "Property") in which debtor may have an interest, and upon information and belief, may be in the possession and control of the Debtor.
4. The Property is registered in the name of the debtor, Assuncao Bros., Inc.
5. On December 17, 2019, the Debtor and Martin Assuncao entered into a New Jersey Motor Vehicle Lease Agreement (hereinafter "Lease") with Smythe Volvo Cars (hereinafter "Dealer") for the lease and use of the Property. A true and correct copy of the Lease is attached hereto and marked as Exhibit "A".
6. The Lease, pursuant to its terms, was thereafter duly assigned by the Dealer to Movant for good and valuable consideration; Movant is now the holder of the Lease.
7. Movant has not received regular payments due under the terms of the Lease.

8. As of February 9, 2023, the Debtor and co-debtor are in default of their payment obligations to Movant pursuant to the terms and conditions of the Contract as follows:

- a. Total Arrears: \$4,084.86
- b. Total Payoff: \$41,791.18

9. Movant has determined that the Clean Retail Value of the Property is \$38,625.00 based on the J.D. Power Used Cars/Trucks Guide. Upon information and belief, there does not exist any other encumbrance affecting the Property.

10. Upon information and belief, the Debtor and/or Co-Debtor continue to enjoy the use and possession of the Property.

11. Debtor and Co-Debtor have failed to make payments on said Lease and/or have failed to make the current monthly payments on said Lease since the filing of the Chapter 11 Petition. Such defaults include failure to make payments as shown in the Certification of Post-Petition Payment History submitted herewith.

12. Sufficient cause exists to grant Movant relief from the automatic stay, including but not limited to the following reasons:

- a. The Debtor and Co-Debtor are in default under the terms and conditions of the Lease;
- b. The Lease matured on December 17, 2022, and the Debtor must either surrender the Property or purchase the Property in accordance with the terms of the lease-end option.

13. Movant requests an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant relief from such stay in order to obtain possession and dispose of its Property, namely the 2020 Volvo XC60 bearing VIN # YV4102RLXL1496160 and for such other relief as the Court deems necessary and proper.

14. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: February 9, 2023

/s/ Cameron Deane
Cameron Deane, Esquire
Attorney for Movant
170 S. Independence Mall West, Suite 874W
Philadelphia, PA 19106
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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

WELTMAN, WEINBERG & REIS CO., LPA
By: Cameron Deane, Esq. (Atty.
I.D.# 36334-2021)

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Attorneys for Movant: Volvo Car Financial
Services, LLC

IN re:

ASSUNCAO BROS., INC.
Debtor

Case No.: 22-16159-CMG

Chapter: 11

Judge: Christine M. Gravelle

CERTIFICATION IN SUPPORT OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

I, Dennis Cruit, do hereby certify:

1. I am a Director of Special Collections employed by Volvo Car Financial Services, LLC, and I have complete knowledge of the amount due on the within obligation and Lease, and I am authorized to make this certification.

2. On December 17, 2019, the Debtor and Martin Assuncao executed a New Jersey Motor Vehicle Lease Agreement (hereinafter "Lease") for the use of a 2020 Volvo XC60 bearing VIN # YV4102RLXL1496160 more particularly described in the following paragraph. Pursuant to the Lease, the Debtor became indebted to Volvo Car Financial Services, LLC, in accordance with the terms of same. True and correct copies of the Lease are attached hereto.

3. The following information sets forth the make, model and serial number of the vehicle, the terms of the lease, the average retail and trade in value of the vehicle, and the current status of the Debtor's Lease:

a. Make, model and serial number of the motor vehicle:

2020 Volvo XC60

Serial Number: VIN # YV4102RLXL1496160

b. Original Lease Terms:

- i. Total of payments: \$24,509.16
 - ii. Term: 36 Months
 - iii. Monthly Payment: \$680.81
 - iv. First payment due: December 17, 2019
 - c. Average retail value: \$38,625.00
 - d. Delinquency Status: six months past-due post-petition
 - e. Total Balance due: \$42,016.54
4. Debtor filed the instant Chapter 11 case on August 3, 2022.
5. Since the petition date, Debtor has failed to remit post-petition payments due under the terms of the lease, resulting in a post-petition delinquency of \$4,084.86.
6. Since August 3, 2022, Movant has incurred attorney's fees in connection with this Motion.
7. This certification is made in support of the Relief from the Automatic Stay so that the Movant may exercise all its rights under the applicable non-bankruptcy law and move to protect its rights under the Lease.
8. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 1/23/2023

/s/ Dennis Cruit

Dennis Cruit Director of Special Collections
Name & Title

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. 9004-1(b)

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Attorneys for Movant: Volvo Car Financial Services,
LLC

In Re:

ASSUNCAO BROS., INC.
Debtor

Case No.: 22-16159-CMG

Hearing Date: February 21, 2023 at 10:00 a.m.

Chapter: 11

Judge: Christine M. Gravelle

**CERTIFICATION OF CREDITOR
REGARDING POST PETITION PAYMENT HISTORY
(VEHICLE LOAN/LEASE)**

Dennis Cruit, employed as _Director of Special Collections_ by Volvo Car Financial Services, LLC, hereby certifies the following:

Vehicle lender/lessor: Volvo Car Financial Services, LLC

Vehicle description: 2020 Volvo XC60 bearing VIN # YV4102RLXL1496160

POST-PETITION PAYMENTS RECEIVED (Petition filed on August 3, 2022)

Amount due	Date Payment due	Date payment received	Amount received	How payment applied (mo/yr)	Type of payment (See Legend below)
1. 680.81	08/17/2022	n/a	0.00	n/a	n/a
2. 680.81	09/17/2022	n/a	0.00	n/a	n/a
3. 680.81	10/17/2022	n/a	0.00	n/a	n/a
4. 680.81	11/17/2022	n/a	0.00	n/a	n/a
5. 680.81	12/17/2022	n/a	0.00	n/a	n/a
6. 680.81	01/17/2023	n/a	0.00	n/a	n/a

Amount due	Date Payment due	Date Payment received	Amount Received	How Payment applied (mo/yr)	Type of Payment (See Legend below)
7.					
8.					
9.					
10.					
11.					
12.					
TOTAL: 4,084.86			0.00		

[Continue on attached sheets if necessary]

Monthly payments past due at \$680.81 per month from 08/17/2022 to 01/17/2023: \$4,084.86

Plus miscellaneous amounts due:

Late Charges: \$ 0.00
 Repossession fees: \$ 0.00
 Extension fees: \$ 0.00
 Other: \$ 0.00

TOTAL POST-PETITION PAST DUEYYYYYYY.. \$ 4,084.86

Pre-petition arrears: 05/17/2022 to 07/17/2022

(Three (3) months x \$680.81per month = \$2,042.43)

Legend: MP = monthly payment; EXF = Extension fee; LC = Late Charge; O = Other *specify other payments received

I certify under penalty of perjury that the above is true.

Date: 1/23/2023

/s/ Dennis Cruit

Signature